

Final Environmental Impact Statement

Tims Ford Reservoir Land Management and Disposition Plan

Prepared by:

**Tennessee Valley Authority
in partnership with the
Tennessee Department
of Environment and Conservation**

June 2000

**Final Environmental Impact Statement
Tims Ford Reservoir
Land Management and Disposition Plan**

Franklin and Moore Counties, Tennessee

**Responsible Federal Agency: Tennessee Valley Authority (TVA)
Cooperating State Agency: Tennessee Department of Environment and Conservation (TDEC)**

Abstract: TVA and TDEC have jointly prepared a comprehensive Land Management and Disposition Plan (Plan) which allocates 6,453 acres of lands to specific uses. Of this, approximately, 1,854 acres of land are currently owned and managed by TVA, and 4,599 acres of land are currently owned and managed by TDEC. TDEC proposes to use the Plan to implement Tennessee Public Chapter 816 of the 1996 Acts of the Tennessee General Assembly. TVA proposes to use the Plan to guide land-use approvals, private water use facility permitting, and resource management decisions on Tims Ford Reservoir. The Plan allocates land into broad categories, including project operations, sensitive resource management, natural resource conservation, industrial/commercial development, recreation, residential development/access and conservation partnership. In addition, approximately 2,215 acres of land currently committed to a specific use through previous land transfers, leases, and contracts would be allocated to that current use. The Plan would result in about 37 percent of Tims Ford Reservoir lands being allocated to Natural Resource Conservation, 25 percent to Recreation, 24 percent to Residential, and 9 percent to Sensitive Resource Protection. The Plan also provides opportunities for enhanced reservoir access through establishment of a new zone, Conservation Partnership. The primary objective within this zone is to establish a wider shoreline buffer zone by fostering shoreline protection partnerships with the adjacent property owners. In return, for conservation partnership easements granted by adjacent private property owners, TVA would consider requests for limited community water use facilities. Alternatives to the Plan, also analyzed in this document, would allocate either more land to conservation (48 percent) or more land to development (41 percent).

Accompanying Volume I of this Final EIS is The Tims Ford Land Management and Disposition Plan, Volume II.

Comments should be mailed to the address shown below.

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EXECUTIVE SUMMARY

FINAL ENVIRONMENTAL IMPACT STATEMENT AND TIMS FORD RESERVOIR LAND MANAGEMENT AND DISPOSITION PLAN

RESOURCE STEWARDSHIP
ELK RIVER WATERSHED

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Introduction

Tennessee Valley Authority (TVA) and Tennessee Department of Environment and Conservation (TDEC) propose to jointly develop a Land Management and Disposition Plan (the Plan) for Tims Ford Reservoir properties. Through the Plan, TDEC proposes to implement a Tennessee state law, Public Chapter 816, which was passed by the General Assembly in 1996. Public Chapter 816 terminated and ceased all activities of the Tennessee Elk River Development Agency (TERDA). The legislation transferred all powers, duties, contractual obligations, functions and remaining land interests of TERDA to TDEC. TDEC also was given the responsibility for disposition of the remaining land interests. TVA has responsibilities under the 1933 TVA Act relating to the control and use of the Tennessee River and its tributaries, and the development and use of the resources of the Tennessee Valley. Originally, TERDA and TVA acquired approximately 21,863 acres of land for the Tims Ford Project. Subsequent transfers and sales of land for various commercial, industrial, residential and recreational uses have resulted in a current balance of 6,453 acres of TVA and State land available for allocation to future uses. Currently, TVA owns and manages 1,854 acres of land on the reservoir, while TDEC owns and manages 4,599 acres. TVA intends to use the Plan to guide future decision-making and to systematically manage its reservoir properties. Future land uses designated in the Plan are consistent with the purpose of the Tims Ford Project to foster the orderly physical, economic and social development of the Elk River area. The Plan is intended to provide a clear statement of how project land will be disposed and managed in the future based on scientific, cultural and economic principles. By making appropriate land allocations to eight separate categories including Natural Resource Conservation, Sensitive Resource Protection, Recreation, and Residential Development/Access, the Plan strikes a balance between the competing interests of development, recreation and conservation.

A Draft Environmental Impact Statement (DEIS) was prepared to provide the public, TVA and TDEC a description of potential environmental impacts associated with the proposal to develop and implement a Plan for the Tims Ford Project Lands. A DEIS was released for public review and comment in November 1999. The DEIS addressed issues and concerns raised by the public during the scoping period. Copies of the draft EIS and draft Plan were distributed to individuals, agencies and organizations. The draft EIS and draft Plan were also available on TDEC's website, <http://www.state.tn.us/environment/elk/>. The Notice of Availability was published in the Federal Register on November 12, 1999.

The Final Land Management and Disposition Plan will be presented to the TVA Board of Directors and the Tennessee State Building Commission for approvals. If approved, the Plan will be adopted as the agencies' policy to provide for long-term land stewardship, accomplishment of TVA responsibilities under the TVA Act of 1933, and the accomplishment of TDEC responsibilities under Public 816 of the 1996 Tennessee General Assembly.

Background

In the mid 1950s, citizens from ten counties within the Elk River valley in Alabama and Tennessee created the Elk River Development Association (ERDA). The primary reason for creating ERDA was to organize efforts to secure federal support of a resource development program in the Elk River valley. The Association enlisted the support of TVA in this endeavor as part of the TVA Tributary Development Program. The Tennessee Elk River Development Agency (TERDA) was created by the Tennessee General Assembly in 1963 to work with TVA on an Elk River development program. TERDA and TVA subsequently proceeded to develop the Tims Ford Dam and Reservoir project. The dam was completed in 1970, and TERDA proceeded to develop subdivisions and recreational facilities on reservoir properties between 1970 and 1996.

On February 10, 1998, following the termination of TERDA, TVA and TDEC entered into Contract No. 98RE2-229151 which established a partnership and provided for the development of a comprehensive Land Management and Disposition Plan. TDEC and TVA formally began the National Environmental Policy Act (NEPA) process with a press release on October 2, 1998, announcing a public comment period extending through December 1, 1998, to solicit input and announcing two public scoping meetings. TVA and TDEC also solicited input from the U. S. Fish and Wildlife Service (USFWS), U. S. Army Corps of Engineers (USACE), and Tennessee Wildlife Resources Agency (TWRA). The results of public and agency coordination were analyzed and used to determine the issues to be addressed and to frame alternatives.

On July 22, 1999, TVA published in the federal register a Notice of Intent to Prepare an Environmental Impact Statement on the Tims Ford Reservoir Land Management Plan. Subsequently, a DEIS was released for public review in November 1999. The public review period extended from November 12, 1999, through February 9, 2000.

The proposed action is to formulate a new and comprehensive reservoir Land Management and Disposition Plan (Plan) for 6,453 acres of plannable land associated with the Tims Ford Project. The remaining land will be managed according to its existing uses (e.g., parks, dam reservation, lands below the 888-foot contour, etc.). The Plan is intended to provide a clear statement of how project land would be disposed of or managed in the future based on scientific, cultural, and economic principles and consistent with the language of Public Chapter 816 and with the original congressional intent of the project. This Plan will address sensitive resources and issues and concerns raised by the public and major stakeholders during the scoping period. In the Plan, TVA and TDEC will also seek to integrate management of land and water resources to provide increased public benefits and to balance competing and sometimes conflicting resource uses.

Public Involvement and Issue Identification

Information collected through public scoping was used to identify the following important issues to be addressed:

- Groundwater
- Soils
- Surface Water Quality
- Aquatic Ecology
- Terrestrial Ecology
- Threatened and Endangered Species
- Wetlands
- Land Use
- Cultural Resources
- Recreation
- Visual
- Socioeconomics
- Environmental Justice

Public Review of the Draft EIS and Draft Plan

The Notice of Availability (NOA) of the draft EIS was published in the Federal Register on November 12, 1999, formally starting the public comment period. The comment period was extended through February 9, 2000. A press release announcing the two open houses was released on November 8, 1999 and paid advertisements appeared in the several local papers.

Comments were submitted either by written letters, comment cards, electronic mail (e-mail), petitions or oral comments officially recorded at the public meetings. A series of meetings, including two open houses, were held to solicit input and answer questions about the draft EIS and draft Plan.

TDEC and TVA received comments from 268 individuals, agencies and organizations during this comment period. Comments were received by written letters, comment cards, electronic mail, petitions or oral comments officially recorded at the public meetings.

Response to Public Comments

The agencies received a large volume of comments on the draft EIS and draft Plan. These comments have been summarized and combined, along with responses in Appendix B in the Final EIS. Alternative B has been modified to reflect minimal allocation changes, a new allocation zone and some improvements in the EIS analyses. Details of the modified alternative are provided in the Alternative section of the Executive Summary.

ALLOCATION ZONES

The TVA Land Planning Process was used to develop this Plan, guided by Public Chapter 816 and the original congressional intent of the Tims Ford Project. TVA and TDEC considered a wide range of possible land uses in the development of the proposed Plan. The land was divided into parcels based upon existing use and physical characteristics. Each parcel of land was reviewed to determine its physical capability and suitability for supporting certain uses while considering public needs. This process involved allocating each parcel of land into one of eight land use zones. As a result of further analysis and additional information from the public comment period, a new zone (Zone 8, Conservation Partnership) was added to the previous list of zones. These zones are listed below:

1. Non-TVA Shoreland
2. TVA Project Operations
3. Sensitive Resource Management
4. Natural Resource Conservation

5. Industrial/Commercial Development
6. Recreation
7. Residential Access
8. Conservation Partnership

ALTERNATIVES

Five alternatives were developed for evaluation in the Final EIS. The first alternative is a No Action Alternative as required by NEPA guidelines. Three action alternatives (B, C and D) were presented in the draft EIS for public review and comment. These were formulated and evaluated in order to develop the Plan. Alternative B was modified after further analysis and is presented as Alternative B1. The alternatives are described below. The distribution of proposed land uses, shown by acres and shoreline miles, for each alternative, are presented in Tables 1 and 2 (pages 8 and 9).

ALTERNATIVE A - NO ACTION

Under Alternative A, the No Action Alternative, a land management and disposition plan for the Tims Ford Reservoir would not be developed. In the absence of a Plan, TVA and TDEC would proceed with disposition and management of properties on a case-by-case basis, using the original scope of the Tims Ford Project. TDEC would manage the allocation of former TERDA properties, guided by Public Chapter 816 and existing state law and policy. TVA would continue management of its properties according to TVA policies, including the recently adopted Shoreline Management Initiative. TVA could independently complete a shoreline inventory along residential access lands to identify sensitive resources that would be protected in the residential permitting program. This alternative assumes site conditions and regulatory requirements would be considered in land management and disposition decisions. Although land decisions would be made on a case-by-case basis under Alternative A, lands shown in Table 1 were placed in a likely-land-use category for purposes of analysis.

Alternative B - Balanced Land Development and Conservation

Alternative B consists of a balance of development and conservation. Under Alternative B, the lands surrounding the Tims Ford Reservoir would be allocated for either development or conservation-oriented uses. These allocations were based on public input, regulatory requirements, and the programmatic interests of both TVA and TDEC. Alternative B was developed using information obtained from the public, existing and newly collected field data on land conditions and resources, and technical knowledge from TVA and TDEC staff. The three major competing allocations identified for this project are residential development, recreation, and natural resource conservation. The alternative also provides protection of sensitive resources such as rare species, wetlands, and cultural resources.

Alternative B1 - Balanced Land Development and Conservation Partnership

Alternative B1 also consists of a combination of development and conservation. This alternative was developed by modifying Alternative B to reflect further analysis and public comment on the draft EIS. The management strategy on certain narrow strips of land allocated to Zone 4 in the draft EIS is modified under Alternative B1. These narrow strips of public land present unique management problems, both from a property administration and resource conservation perspective. Also, many of those who commented stated that because of the close proximity of their property to the water's edge, they had an expectation of gaining lake access. A new allocation zone (Zone 8) was therefore created that provides shoreline property owners the incentive of gaining water access in exchange for the grant of an easement up to 100 feet wide.

Additionally, one parcel was reallocated and several minor corrections were made in boundaries of existing parcels. Like Alternative B, Alternative B1 is based on regulatory requirements and the goals and interests of both TDEC and TVA. The alternative also provides protection of sensitive resources such as rare species, wetlands and cultural resources.

Alternative C Maximum Land Development

Alternative C, Maximum Land Development, involves the disposition of all uncommitted, suitable and capable parcels for development (i.e., residential, commercial/industrial, and developed recreation). Allocation of parcels under this alternative would generate the largest tax base and the greatest amount of funding for state environmental and recreation programs. The public scoping report (Appendix B) summarizes comments on land allocation preferences. This alternative reflects both substantial political interests and interests of 17 percent of the respondents who desire more land development.

Alternative D Maximum Land Conservation

Under Alternative D, development of reservoir lands would not expand beyond the level that currently exists. All uncommitted lands would be allocated for natural resource conservation or sensitive resource management. This alternative reflects the expressed desires of many existing lake-front residents and other commenters that there should be no additional shoreline development, and comments from one federal and one state agency strongly supporting no additional development on Tims Ford Reservoir.

Table 1 Comparison of Alternatives - Acreage

Zone	Acres					
	Existing	A No Action	B Balanced Land Development	B1 Balanced Land Development with Conservation Partnership	C Maximum Land Development	D Maximum Land Conservation
1 - Non TVA Shoreland	0	0	0	0	0	0
2 - Project Operations	386 ^a	386 ^a	386 ^a	386 ^a	386 ^a	386 ^a
3 - Sensitive Resource Management	-	881	881	881	881	881
4 - Natural Resource Conservation	-	1,958	3,605	3,692	1,958	4,779
5 - Industrial/Commercial	6	6 to 67	67	67	67	6
6 - Recreation	2,141 ^b 25.6 ^c	279 to 576	576	573 ^g	576	279
7 - Residential	122 ^d 1,493 ^e	122 to 2,585	938	821	2,585	122
8 - Conservation Partnership	-	0	0	33	0	0
Undeveloped	4,779	-	-	-	-	-
Developable	-	2,821 ^f	-	-	-	-
Total	-	6,453	6,453	6,453	6,453	6,453

a - Dam Reservation

b - Includes State Park, Devil's Step, City parks, and Public-use areas

c - Sold project land for Tims Ford Marina

d - Land between 895-foot contour and backlying property owners with water-use facilities

e - Sold project lands for TERDA-developed subdivisions

f - Areas could be considered for development on a case by case basis

g - The amount of acreage for Zone 6 - Recreation was reduced due to a correction for Parcel 80.

Table 2 Comparison of Alternatives - Shoreline Miles

Zone	Shoreline Miles					
	Existing	A No Action	B Balanced Land Development	B1 Balanced Land Development with Conservation Partnership	C Maximum Land Development	D Maximum Land Conservation
1 - Non TVA Shoreland	0	0	0	0	0	0
2 - Project Operations	1.6 ^a	1.6	1.6	1.6	1.6	1.6
3 - Sensitive Resource Management	-	31.0	31.0	31.0	31.0	31.0
4 - Natural Resource Conservation	-	82.6	117.3	110.4	82.6	137.7
5 - Industrial/Commercial	0.6	0.6 to 1.8	1.8	1.8	1.8	0.6
6 – Recreation	42 ^b	7.7 to 13.8	13.8	13.7 ^e	13.8	7.7
7 - Residential	52.4 ^c	17.1 to 64.9	30.2	28.2	64.9	17.1
8 - Conservation Partnership	0	0	0	9.0	0	0
Undeveloped	178.4	-	-	-	-	-
Developable	-	55.1 ^d	-	-	-	-
Total	-	195.7	195.7	195.7	195.7	195.7

a - Dam Reservation

b - Includes State Park, Devil's Step, City parks, and Public-use areas and shoreline fronting Tims Ford Marina

c - Includes all land fronting existing subdivisions (TERDA-developed subdivisions and backlying property owners with water-use facilities)

d - Areas could be considered for development on a case-by -case basis

e - The amount of miles for Zone 6, Recreation was reduced due to a correction for Parcel 80.

The Preferred Alternative

Alternative B1, which strikes a balance between development and conservation, is presented as the preferred alternative in the Final EIS. It provides for a new zone involving partnerships for enhancement of shoreline protection that would result in the creation of a wider shoreline buffer, and more protection for water quality and riparian habitats. It also makes an allocation change that would result in additional acres at the lower area of the lake being dedicated to natural resource conservation. Alternative B1 calls for setting aside parcels containing sensitive resources and habitats in the Sensitive Resource Protection and Natural Resource Conservation categories, thereby placing these lands beyond the reach of future developmental activity.

Even for lands that were considered suitable for and capable of development, commitments that would further minimize the potential for adverse impacts to the environment would be adopted under Alternative B1. Moreover, the allocation of certain lands for development is consistent with sections 6 and 9 of Public Chapter 816. These sections urge TDEC to maintain lands that are not deemed suitable for development as natural habitats, but to dispose of the remaining properties as expeditiously as practicable and lawful.

Affected Environment

The Tims Ford Project area is located on the boundary between the Highland Rim and Central (Nashville) Basin sections of the Interior Low Plateau physiographic region. Although, much of the upper portions of the reservoir are on the gently rolling Highland Rim, the lower ends are on the distinctive escarpment separating the Highland Rim and the Central Basin. The reservoir is in an area of karst geology, including many caves, sinkholes, seeps, and springs. This makes groundwater flow rates and directions difficult to determine. Prime farmland soils, those with the best characteristics for producing food, feed, forage, fiber, or oilseed crops, occur on 540 acres, or about 8.4 percent of the total area to be allocated.

Water quality is generally good in the Upper Elk Watershed, although the watershed is considered by EPA to be vulnerable to agricultural pollution, urban growth, and nutrient loads. The reservoir is considered by the state to fully support designated uses. However, several tributaries have been adversely impacted. Woods Reservoir, Rock Creek, and Dry Creek have water quality problems. In addition, ecological health, as measured by primary productivity, dissolved oxygen, bottom-dwelling animals, and sediment quality, is generally poor. The lake has low levels of primary productivity and dissolved oxygen. Annual fish sampling in recent years indicates that fish species diversity is generally good, with the most abundant species being bluegill, carp, yellow bass, gizzard shad, spotfin shiner, and walleye.

Most of the lands east and south of Tims Ford are open and used for agriculture. Other upland terrestrial ecosystems in the area generally are forested. Reservoir lands to be allocated are often characterized by steep forested slopes near the water with flatter ridgetops away from the water. Most of the lands proposed for allocation are currently forested; however, there are more than 1,000 acres of open lands, including agricultural licenses and maintained lawns fronting subdivisions. There are 71 current agricultural licenses and 64 subdivisions on the reservoir.

Uncommon habitats include a shale barren, a wetland complex and bottomland hardwood forest at the upper end of the reservoir, limestone rock outcrops, steep shrub communities, and rocky seepages. Two federally-endangered animal species (the gray bat and Indiana bat) are known from the Tims Ford Reservoir area; however, neither species was captured in studies for this project. The federally-threatened bald eagle was observed in the area; however, no nesting activity has taken place in recent years. Two animal species listed as "in need of management" by the Tennessee Wildlife Resources Agency, i.e., the southeastern shrew and the mole salamander, were found to exist on parcels proposed to be allocated. Five plant species listed as threatened or of special concern in the state of Tennessee were found to occur on parcels being allocated, include the spreading false-foxglove, southern rein-orchid, butternut, ginseng, and ramps. Wetlands on Tims Ford occur in the shallow margins of the lake in coves or at the upper end of the lake in the riverine floodplain. Most of these wetlands are small, but there are a couple of wetlands exceeding 5 acres, and there is one area of extensive riverine wetlands exceeding 100 acres. One archaeological site eligible for the National Register of Historic Places is found on the tracts proposed for allocation.

Public recreation is encouraged through eight public access areas, some with camping and picnic facilities, two city parks, three marinas, and the Tims Ford State Park. Water-based recreation is popular. Although 19 percent of the shoreline is currently used for residential access, with views of houses and boat docks, the majority of the shoreline is undeveloped and provides a scenic backdrop for recreational activities.

Population in the two counties surrounding the reservoir has grown 8.1 percent since 1990. Unemployment is slightly higher than the national average. The service sector is the area's largest

employer. The percentage of nonwhite persons and persons with income below the poverty level in the two counties is lower than the state average.

Environmental Consequences

Under any alternative, sensitive resources such as endangered and threatened federal and state-listed species, cultural resources, and wetlands would be protected. The range of impacts that could result from implementation of the alternatives is bracketed by the impacts of Alternatives C and D. Adoption of Alternative C, with its emphasis on residential development, would cause the greatest potential impacts in areas such as groundwater, water quality, terrestrial ecology, and aesthetics. At the other extreme, adoption of Alternative D, with an emphasis on conservation, would have the least impact on these resources. Alternative B, in balancing the competing interests of development and conservation, would cause greater impacts than Alternative D, but through its dedication of 3,605 acres to Natural Resource Conservation would cause fewer impacts than Alternative C. Alternative B1 would allow more community water use facilities than Alternative B, but would also result in a gain of shoreline management zones where there are narrow shoreline strips and an increase in natural areas compared to Alternative B. However, adoption of Alternative B1 could facilitate the conversion of some farm and forest lands to residential uses with unknown environmental impacts. The impact of adopting Alternative A, the no action alternative, would depend on future actions taken by TDEC and TVA, in allocating or disposing of the land on a case-by-case basis. An overriding concern for conservation in making case-by-case decisions would make the impact of Alternative A similar to that under Alternative D. Conversely, an emphasis on development would cause the impacts under Alternative A to more closely resemble the impacts under Alternative C. Regardless of the alternative selected, TVA and TDEC would build environmental safeguards into the proposals to minimize adverse environmental impacts. These include a shoreline management zone for water quality protection and riparian wildlife habitat, a restriction for individual water-use facilities for all new residential development areas (community facilities will be considered instead), and parcel-specific protection measures for uncommon terrestrial habitats or plant communities.

The Plan

The Plan (Alternative B1) proposes to allocate 6,453 acres of land into eight of the following planning zones.

Zone 1 - Non-TVA Land - (i.e., flowage easement - no land was identified for this zone)

Zone 2 - TVA Project Operations - 386 acres

Zone 3 - Sensitive Resource Management - 881 acres

Zone 4 - Natural Resource Conservation - 3,692 acres

Zone 5 - Industrial/Commercial Development - 67 acres

(Two parcels under existing commitments; two new parcels were identified)

Zone 6 - Recreation - 573 acres

(Seven new parcels identified; five of these have been requested for inclusion in Tims Ford State Park).

Zone 7 - Residential Development/Access - 821 acres

(Five new parcels identified totaling 699 acres; 122 acres currently front residential access land previously sold for residential purposes)

Zone 8 - Conservation Partnership - 33 acres